



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Attorney Docket No. 087522785347
Machael, Jay R. et al.)	
)	
Application No.: 10/749,010)	
)	
Filed: December 30, 2003)	
)	
For: VERTICALLY ADJUSTABLE)	
CHAIR ARMREST)	
)	
Examiner: D'Adamo, Stephen D.)	
)	
Art Unit: 3636)	
)	
Confirmation No.: 8394)	

REMARKS

New claims 29-32 have been added to the application so that claims 1-32 are now in the application.

An objection was made to the disclosure because there were blanks for "application numbers" and "filing dates" of co-pending applications. In response to the objection, applicants have added application numbers and filing dates and have removed attorney docket numbers.

The drawing was objected to because the numeral 69 did not appear in the drawings although the numeral was mentioned in the specification. This oversight has been corrected by adding the numeral 69 to FIG. 5. A replacement sheet, page 4, is attached hereto subject to approval by the Examiner.

Claims 9, 12, 27 and 28 have been rejected under section 112, second paragraph for various editorial problems. Claims 9, 12, 27 and 28 have been amended to corrected the problems pointed out by the Examiner.

Claims 1, 5 and 8-13 have been rejected under section 102 based on Chu et al. ("Chu"). This rejection is respectfully traversed. The Chu reference illustrates an elevation mechanism for the arm of a chair that operates differently from the chair arm disclosed in the subject application and does not include each and every limitation found in independent claims 1 and 21. The Chu reference discloses a U-shaped block 23 which is moved out of locking engagement with a "catch groove 11" in the "catch cylinder 8" by a "depressed groove 22". However, the depressed groove 22 of the adjustment unit 18 does not cause the U-shaped block 23 to re-engage a catch groove 11. This re-engagement or locking step is accomplished by the "reflex plate 24" which is biased by the step of unlocking the U-shaped block 23 as shown in Chu's Figure 4. Therefore, Chu's depressed groove 22 of the adjustment unit 18 does not move the block 23 into and out of the grooves 11 in the cylinder 8 because there is no structural engagement between the groove 22 and the block 23 for purposes of pushing the block 23 into one of the grooves 11. This job of pushing the block 23 into a groove 11 is performed by the reflex plate 24. Viewed another way, after the groove 22 moves the block 23 out of a groove 11 when the adjustment unit 18 is moved upwardly, when the adjustment unit 18 is moved downwardly, there is no engaging surfaces on the block 23 for the groove 22 to bear against to push the block 23 into a groove 11.

In comparison, the applicants' rod 36 alone causes the block 38 to both disengage from the plate 34 as well as to cause re-engagement between the block 38 and the plate 24. Disengagement is caused when the rod moves the block away from the plate 24 when the rod moves upwardly and re-engagement is caused when the rod moves the block toward the plate when the rod moves downwardly. There is no reflex plate. Claim 1 includes the limitation that the block includes first and second surfaces and that the rod includes an engagement portion for engaging the first surface of the block for moving the block into a locking position and the

engagement portion engages the second surface of the block for moving the block into an unlocked position.

Chu does not teach this limitation because Chu uses a third structure besides a block and a rod, namely the spring-like reflex plate.

Claim 11 requires the support to both engage and guide the slide element. In Chu the support 34 does not engage the post 1 nor guide it. This is done by the cylinder 8.

In claim 12 the slide has an "upper generally horizontal base (42) with an opening (97) and said rod includes an upper arm (91) for riding in said opening of said upper base." The equivalent of Chu's base is the horizontal plate to which the numeral 1 points and it has no opening for an arm of the rod.

Claims 2-4, 6, 7 and 14-20 have been rejected under section 103 as being unpatentable over Chu, the same cited reference as used in the section 102 rejection. Claims 21-27 have also been rejected under section 103 as being unpatentable over Chu in further view of Cao U.S. Patent No. 5,876,097. (Cao was not specifically cited but it is used in the rejection.) Both of these rejections are respectfully traversed.

Under section 103, the prior art reference or references must teach or suggest all of the claim limitations. As contended above, independent claim 1 contains limitations which are not found in Chu or a combination of Chu and Cao nor suggested by them because Chu operates differently.

When Chu's spring 30 attempts to lower the adjustment unit 18 from the position shown in Chu's Figure 4 (so as to re-engage the block 22 and the cylinder 8), the block 23 will not move due to the element 22 pushing on the block. The block moves because of the reflex plate. However, the system is likely to jam and/or the reflex plate 24 will become overstressed should

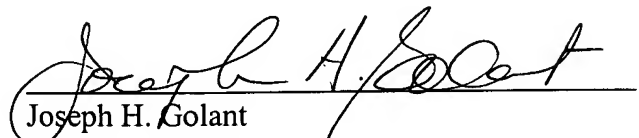
the block not be aligned with a groove 11 and should a chair user attempt to force the adjustment unit 18 downwardly. The block 23 does not have any surface for the element 22 of the adjustment unit 18 to engage and to push the block 23 downwardly and inwardly into one of the grooves 11. Only the spring-like reflex plate 24 pushes on the block 23 to lock the system. For this reason the cited art does not teach or suggest all of the claim limitations found in the application.

The use of applicants' block structure as shown in applicants' FIGS. 14 and 15 and the use of applicants' rod structure as shown in FIGS. 16 and 17 illustrate a more efficient and effective arm adjustment which is more robust and not prone to jams. Furthermore, applicants' arm assembly eliminates an extra element, such as Chu's reflex plate 24. Hence, applicants' structure is less expensive, both because it reduces the number of parts and simplifies assembly so as to save labor costs.

In view of the above, the Examiner is respectfully requested to reconsider the claims and indicate allowance.

Dated: May 2, 2005

Respectfully submitted,


Joseph H. Golant
Reg. No. 24,210
JONES DAY
77 West Wacker Drive
Chicago, Illinois 60601-1692
(312) 269-1534
jhgolant@jonesday.com